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BEFORE THE ARIZONA CORPORATION

IN THE MATTER OF THE APPLICATION)  
OF PINAL COUNTY, ARIZONA TO )  
UPGRADE A CROSSING OF THE UNION )  
PACIFIC RAILROAD AT GANTZEL ROAD)  
IN PINAL COUNTY, ARIZONA, )  
AAR/DOT NO. 176-281-Y. )

DOCKET NO.  
RR-03639A-07-0334

EVIDENTIARY  
HEARING

At: Phoenix, Arizona

Date: August 2, 2007

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1 BE IT REMEMBERED that the above-entitled and  
2 numbered matter came on regularly to be heard before the  
3 Arizona Corporation Commission, in Hearing Room 1 of said  
4 Commission, 1200 West Washington Street, Phoenix, Arizona,  
5 commencing at 9:30 o'clock a.m., on the 2nd day of August,  
6 2007.

7

8 BEFORE: MARC STERN, Administrative Law Judge

9 APPEARANCES:

10

11 For the Arizona Corporation Commission Staff:

12 Mr. Charles Hains  
13 Staff Attorney, Legal Division  
14 1200 West Washington Street  
Phoenix, Arizona 85007

15

16 For the Applicant:

17 OFFICE OF THE PINAL COUNTY ATTORNEY  
18 By Mr. Glenn C. Johnson  
19 P.O. Box 887  
Florence, Arizona 85232

20

21 For Union Pacific Railroad:

22 BEAUGUREAU, ZUKOWSKI, HANCOCK, STOLL &  
23 SCHWARTZ, P.C.  
24 By Terrance L. Sims  
25 302 East Coronado  
Phoenix, Arizona 85004

26

27 KATE E. BAUMGARTH, RPR  
28 Certified Reporter  
29 Certificate No. 50582

30

1 ALJ STERN: Okay. This hearing is now open in  
2 the matter of the application of Pinal County Arizona to  
3 upgrade a crossing of the Union Pacific Railroad at  
4 Gantzel Road in Pinal County, Arizona AAR/DOT  
5 No. 176-281-Y.

6 My name is Marc Stern. I will preside over this  
7 proceeding. The docket number is RR-03639A-07-0334.

8 At this time I will take appearances. And on  
9 behalf of the County, since you are present today?

10 MR. JOHNSON: Yes. My name is Glenn Johnson and  
11 I am from the Pinal County Attorney's Office on behalf of  
12 the County. With me is A.J. Blaha, the assistant public  
13 works director. He will be the witness for the County.

14 ALJ STERN: All right. And on behalf of  
15 Commission Staff I have?

16 MR. HAINS: Thank you. Good morning, Your Honor.  
17 Charles Hains on behalf of the Safety Division of the  
18 Commission.

19 ALJ STERN: All right. I have the Commission  
20 Staff memorandum, and that will be Exhibit S-1?

21 MR. HAINS: That's correct.

22 ALJ STERN: Okay. Does the County have any  
23 exhibits you are going to admit?

24 MR. JOHNSON: We have had two exhibits marked.

25 ALJ STERN: If they are not

1 eight-and-a-half-by-eleven, I cannot take them.

2 MR. JOHNSON: We brought them for your benefit,  
3 if you need them. They will be used during Mr. Blaha's  
4 testimony, but they are a little larger than that.

5 ALJ STERN: Okay. It's not a problem.

6 All right. Mr. Johnson, do you have any opening  
7 comments that you want to make at all?

8 MR. JOHNSON: I will waive them at this time.

9 I believe Mr. Watson will be going forward first.

10 ALJ STERN: Mr. Hains, do you have any opening  
11 statement at all?

12 MR. HAINS: Thank you, Your Honor. I have none.

13 ALJ STERN: Okay. Do you want to call  
14 Mr. Watson?

15 MR. HAINS: Yes, but first I had a quick  
16 question. I believe the representative from the railroad  
17 is here. I think he had public comment that he wanted to  
18 make.

19 ALJ STERN: Mr. Sims, did you want to make any  
20 comments or actually want to enter an appearance today?

21 MR. SIMS: Your Honor, my only purpose in being  
22 here is to state the Union Pacific's response to the  
23 application, which is that -- my understanding is that  
24 with the original design plan Union Pacific Railroad  
25 expressed some concerns about, but those were addressed in

1 the final design. At this point Union Pacific has no  
2 objection to the application submitted by Pinal County.

3 ALJ STERN: Okay. Thank you.

4 MR. JOHNSON: Your Honor, I do believe, and  
5 hopefully the record will reflect, that all the notice  
6 provisions in the procedural order have been complied  
7 with -- notice to one municipality --

8 ALJ STERN: Yes, sir. I saw the filing from the  
9 County. I think Mr. Hartman filed that with the  
10 Commission about July 8, so we are set for notice.

11 Okay. Ready with any witnesses?

12 MR. HAINS: Yes. Thank you, Your Honor. Staff  
13 would like to call Mr. Chris Watson to the stand.

14 ALJ STERN: Come forward and be sworn in.

15

16

CHRIS WATSON,

17 called as a witness herein by Staff, having been first  
18 duly sworn, was examined and testified as follows:

19

20

DIRECT EXAMINATION

21

22 BY MR. HAINS:

23 Q. Good morning, Mr. Watson. How are you doing  
24 today?

25 A. Good morning. Thank you.

1 Q Please give your full name and place of business  
2 for the record.

3 A My name is Chris Watson. I work for the Arizona  
4 Corporation Commission Grade Railroad Safety Section.

5 Q And could you briefly explain your position and  
6 your duties in that position?

7 A I am the grade crossing inspector for the State  
8 of Arizona. I oversee all the grade crossing applications  
9 for the State of Arizona as well as surface issues and  
10 that sort of thing.

11 Q And in the performance of your duties were you  
12 assigned to evaluate the current application?

13 A I was.

14 Q And do you have up there what has been labeled as  
15 Exhibit S-1?

16 A I do.

17 Q And could you identify that for the record  
18 please?

19 A S-1 is the Staff memorandum that I prepared for  
20 this case.

21 Q And if you were asked to or called upon to  
22 discuss the same material discussed in the Staff report,  
23 would your answers be essentially the same today?

24 A They would.

25 Q And do you adopt the Staff report as your sworn

1 testimony today?

2 A. I do.

3 Q. Do you have any changes, additions or  
4 modifications that you would like to make to the Staff  
5 report?

6 A. I do not.

7 Q. Mr. Watson, I would briefly like to discuss with  
8 you the nature of the crossing.

9 Could you describe the location for me, please?

10 A. Location is in Pinal County close to the town of  
11 Queen Creek Railroad 943.85, north and south roads. To  
12 the north of the crossing is Riggs about 1.6 miles. To  
13 the south is Bella Vista Road, which is 3.4 miles, I  
14 believe.

15 Q. Thank you. And could you describe the nature of  
16 the upgrade that is being requested in this application?

17 A. Pinal County plans to widen the road from two  
18 lanes to four lanes. It's my understanding it's already  
19 been widened around the two-lane railroad crossing, and  
20 they are now ready to go forward and widen that railroad  
21 crossing from two lanes to four lanes.

22 Q. And would you describe the safety features, what  
23 will be used at the upgrade?

24 A. There are currently lights and gates at this  
25 crossing. They will be upgrading it to 12-inch LED

1 lights, new cantilevers, new gate arms and new concrete  
2 surface.

3 Q And are you aware of how much traffic there  
4 currently is being experienced in that location now?

5 A Yeah. The last data request that we sent out,  
6 Pinal County sent back average daily traffic counts for  
7 17,000 cars per day -- vehicles per day, and that was  
8 taken in June of 2006.

9 Q And what does that translate to in terms of the  
10 level of service?

11 A Level of service right now is Level Service C.  
12 They anticipate Level Service B will be achieved with  
13 upgrade to the four lanes.

14 Q And a Level Service C, however, it is still  
15 considered an operable intersection, I believe?

16 A My understanding of the level of service from  
17 AASHTO, the American Association of State Highways and  
18 Transportation Officials, that a Level Service C is still  
19 an acceptable level of services.

20 Q And the level of service will improve with the  
21 expansion of the road project that they are describing?

22 A That is what they are telling me.

23 Q Is it forecasted that at some point in the future  
24 the level of service may still revert back to or perhaps  
25 even become worse than it is presently, though?

1       A.     They are projecting within ten years it still  
2 being a Level Service C, which is still acceptable.

3       Q.     I see.

4             Now, based on the extensive traffic and any other  
5 criteria that Staff considers in a crossing upgrade, would  
6 you say that this crossing upgrade, the modifications that  
7 are being requested in this application, are consistent  
8 with similar crossings of the same nature?

9       A.     They are.

10      Q.     I would like to move on to costs.

11             Are you aware of how much the anticipated  
12 crossing is going cost?

13      A.     \$570,000.

14      Q.     And do you know how it is going to be allocated?

15      A.     Pinal County is paying for the entire project.

16      Q.     Okay. Does Staff believe this is consistent with  
17 the public interest?

18      A.     I do.

19      Q.     And you said this was also all County of Pinal  
20 money; it was not any state or federal money?

21      A.     No.

22      Q.     Moving on to grade separation, I believe you  
23 mentioned inside your Staff report that there is some  
24 anticipation that there is a potential, eventual need to  
25 grade separate this crossing in the future; is that

1 correct?

2 A. That's correct. It's my understanding Pinal  
3 County intends in the next five to ten years to widen the  
4 road again from four to six lanes. And in the responses  
5 to my data requests they said that they will look at the  
6 grade separation within that five to ten years for this  
7 particular area.

8 Q. And to your knowledge, do you know if this  
9 anticipated need for grade separation is driven by high  
10 number of train volume per day or is this simply a  
11 recognition that there is an intersection here between an  
12 infrequently used piece of rail with a large intersection?

13 A. I don't believe the number of trains is a big  
14 factor at this particular crossing. They are between,  
15 from railroad records that were sent in, six to eight per  
16 day, which is not a high number of trains. Speed is a  
17 concern, 60 miles per hour at that particular crossing.

18 But I think the bigger concern is the amount of  
19 traffic through there will be significantly raised in the  
20 next five or ten years.

21 Q. And has the County provided any explanation why  
22 they would not like to separate the crossing at this  
23 point?

24 A. No, they noted several reasons, which I noted in  
25 the Staff report.

1           There was already an existing crossing there.  
2   They just needed to widen it to conform to the  
3   road-widening project. The amount of right-of-way that  
4   would be needed to buy in order to get the grade  
5   separation would be tremendous. And they also cited the  
6   rail traffic was light, which we talked about, and would  
7   not be a safety concern in their minds.

8       *Q.*   And did Staff look at any other criteria to  
9   distinguish whether it would be appropriate to grade  
10   separate at this point in time?

11       *A.*   Staff started looking at a priority exposure  
12   index type of thing. We took it from a report, Grade  
13   Separation, When to Report. It's the product of the  
14   number of trains and average daily traffic. We plug those  
15   numbers in, and it came out at 119,000.

16           The exposure index is by no means an all  
17   encompassing tool. It's kind of a quick reference that we  
18   have started using. We are not sure if we will continue  
19   to use it, but anything over 100,000 in the report says to  
20   maybe consider looking now or in the future grade  
21   separation.

22       *Q.*   But it doesn't spell out like a crisis threshold  
23   or anything like that?

24       *A.*   No, it does not.

25       *Q.*   So it --

1 A. It's a very basic kind of guideline.

2 Q. I see.

3 And based on your evaluation using that index, as  
4 well as the reasons that the County provides, does Staff  
5 agree that it is not necessary to grade separate at this  
6 time?

7 A. At this time Staff agrees with that, with the  
8 idea that within the next five to ten years Pinal County  
9 does look at grade separating.

10 Q. Does Staff have any specific recommendation with  
11 regard to how Pinal County should be looking at when -- or  
12 like is there a specific threshold they should be looking  
13 at when they should be seriously considering grade  
14 separation?

15 A. We don't have a threshold or a guideline at this  
16 time. It is something we are looking at, but I can't for  
17 100 percent answer that right now.

18 MR. HAINS: Okay. Thank you.

19 Your Honor, Staff would like to move for the  
20 entry of Exhibit S-1 into evidence at this time.

21 ALJ STERN: Any objections to the admission of  
22 Exhibit 1, the Staff report?

23 MR. JOHNSON: No, Your Honor.

24 ALJ STERN: No objections. Exhibit S-1 is hereby  
25 admitted.

1 MR. HAINS: And thank you, Your Honor. And  
2 Mr. Watson is now available for questions.

3 ALJ STERN: All right. Mr. Johnson, any  
4 questions for the witness?

5 MR. JOHNSON: Very briefly.

6

7

CROSS-EXAMINATION

8

9 BY MR. JOHNSON:

10 Q. Pinal County staff -- Public Works staff was  
11 cooperative in giving you the data you needed for your  
12 report.

13 Would that be a correct statement?

14 A. Correct, very helpful.

15 Q. And they have indicated that at the appropriate  
16 time they would consider grade separation?

17 A. Yes, they have.

18 Q. Do you have any information as to what a  
19 separated grade crossing would cost at this time?

20 A. The number they gave me would be around  
21 \$40 million.

22 MR. JOHNSON: Thank you very much. I have  
23 nothing further, Your Honor.

24 ALJ STERN: All right.

25

1 EXAMINATION

2

3 BY ALJ STERN:

4 Q Mr. Watson, we referred to the matter earlier a  
5 little bit. Mr. Johnson, I believe, inquired whether  
6 Staff had received notification from the County that  
7 proper notice had been given.

8 Did Staff and the Commission receive  
9 certification of notice prudent to the terms of the  
10 procedure order?

11 A Yes, we did, Your Honor.

12 Q And did it comply in that notice was published  
13 and also sent to affected parties?

14 A Yes, it was.

15 Q Okay. And with respect to this crossing, who  
16 will be maintaining the crossing area and crossing surface  
17 after the upgrade is completed?

18 A The Union Pacific will be maintaining the  
19 railroad part of the crossing, warning devices and  
20 crossing surface.

21 Q And you want the Union Pacific to notify you  
22 again of when the project starts and when it concludes?

23 A That would be wonderful.

24 Q And there is no State funding going into this  
25 project at all, is there?

1 A. No.

2 ALJ STERN: I don't have any more questions.

3 Any redirect?

4 MR. HAINS: No.

5 ALJ STERN: Thank you, Mr. Watson. You are  
6 excused.

7 THE WITNESS: Thank you.

8 ALJ STERN: All right. Mr. Johnson, do you want  
9 to call Mr. Blaha?

10 MR. JOHNSON: Yes, I would.

11

12 ALBERT JOHN BLAHA,

13 called as a witness herein by the Applicant, having been  
14 first duly sworn, was examined and testified as follows:

15

16 DIRECT EXAMINATION

17

18 BY MR. JOHNSON:

19 Q. Would you state your full name and occupation for  
20 the record, please.

21 A. My name is Albert John Blaha. I'm the deputy  
22 public works director for Pinal County.

23 Q. And what is your relationship to this particular  
24 project?

25 A. I manage the engineering branch. We are

1 responsible for the design and construction of the road  
2 projects within Pinal County. I oversee this project.

3 Q Did you bring some diagrams with you today?

4 A Yes, sir.

5 ALJ STERN: In we can sort of use that table over  
6 there or that little door, that gate if you want to lean  
7 it on something.

8 THE WITNESS: This was just to clarify. This is  
9 a blow-up from our small area transportation study map.  
10 It shows all of our future recently significant routes,  
11 and we just want to show the relationship of this  
12 Ganzel/Ironwood project.

13 If I could go over here --

14 Q BY MR. JOHNSON: This is part of a larger project  
15 or roadway project?

16 A That's correct.

17 It would be easier if I hold it here.

18 The project starts down here on Hunt Highway and  
19 will continue all the way up to State Route 60 dividing a  
20 two-lane road to a four-lane divided road, putting in  
21 traffic signals.

22 We are already 90 percent complete with that  
23 project with the exception for the railroad crossing and  
24 the bridge on the CAP canal. It's about a \$92 million  
25 project.

1           As you know from newspaper articles, there is a  
2 huge growth spurt going on down here in the Johnson Ranch  
3 and San Tan area of Pinal County. And the population well  
4 exceeds the ability for people to drive out of that area.

5           So we have to provide a route out of that area  
6 until we can get a route to expand some existing routes,  
7 particularly Hunt Highway. We started design on widening  
8 of Hunt Highway, and once we can divert traffic, we will  
9 go to Hunt Highway with new construction.

10           Also on this map is a large blue swath that goes  
11 through here through Pinal County. This is the ADOT's  
12 north/south corridor for a future freeway.

13       Q     Why is that significant to this proceeding?

14       A     Well, this has been adopted by the ADOT  
15 Transportation Board already last year. And if this  
16 freeway goes in, our modeling of the road network within  
17 Pinal County shows that we probably can expect a  
18 50 percent reduction in the traffic on Ironwood and Ganzel  
19 because then most people will get on the freeway system.

20           So we agreed to look at the possibility of a  
21 grade separating crossing here. We will evaluate it in  
22 five years if the population growth continues or if this  
23 freeway project does not happen, we will be looking at a  
24 grade separating crossing and expanding the Ganzel project  
25 to six lanes.

1           If this freeway project does go forward, our  
2 growth patterns don't continue at the same rate they are  
3 now, there may not be the need to.

4           Traffic projections that we predict were based on  
5 this continuing population growth. We have already seen a  
6 slowdown. New home permits have gone from 1,000 a month  
7 to 1500 to 500 a month this year. So we expect to see  
8 some scaling back on that.

9           That is the only reason why I brought this map,  
10 to show you the whole picture.

11           ALJ STERN: Thank you.

12           Any other questions, sir?

13           MR. JOHNSON: I don't believe so.

14           ALJ STERN: Mr. Hains, any questions for the  
15 witness?

16           MR. HAINS: Thank you, Your Honor. Just a few.

17

18                           CROSS-EXAMINATION

19

20 BY MR. HAINS:

21           Q. Good morning. How are you doing?

22           A. Great.

23           Q. I just want to make sure I am saying your name  
24 right. Is it Blaha?

25           A. Blaha.

1 Q Blaha?

2 A Blaha with an L.

3 Q Blaha. Okay. Thank you.

4 Mr. Blaha, first you discuss that you will be  
5 looking at the populations, the growth as one of the bases  
6 for how you are going to determine if there is going to be  
7 a need for grade separation in this area; is that correct?

8 A Yes, in a roundabout way.

9 We actually will be doing traffic counts. We  
10 watch the population and building permit numbers, but  
11 traffic counts is basically -- every year we do traffic  
12 counts to see how traffic has increased on roads and see  
13 if we need to do improvements.

14 Q So you had said the population growth is more  
15 like a peripheral way of looking at it in a big sense and  
16 the traffic counts would be the specific thresholds that  
17 you are looking for?

18 A Correct.

19 Q And I believe this is going to be -- you are  
20 looking at a total of six lanes for Ganzel at some point;  
21 is that correct?

22 A That's correct.

23 Q And it's anticipated to be a major arterial at  
24 that point?

25 A That's correct.

1       Q.     Are there any other thresholds that the County is  
2 looking at in terms of how to determine whether or not  
3 to -- well, actually I will take the question back. You  
4 already answered that in the population threshold  
5 question.

6               When the County decided to pay the full \$570,000,  
7 did the County look at any other means of paying for the  
8 project?

9       A.     No, we didn't at that time. No.

10       Q.     How do you anticipate paying for the project?  
11 Assuming that if you were to grade separate it, how do you  
12 anticipate paying for the project?

13       A.     We would have to incorporate grade separate  
14 crossings into some of our other fee structures, like  
15 impact fees. The County just implemented impact fees this  
16 year. We did not have grade separated structures in that  
17 fee, transportation fee. So that would have to be  
18 incorporated into it.

19       Q.     So you don't have a funding for it if it were to  
20 be done for it now anyway?

21       A.     That's correct.

22       Q.     Thank you. That's all the questions -- I guess  
23 one -- no, never mind. Thank you.

24               MR. HAINS: That's all.

25               ALJ STERN: I have a couple.

1 EXAMINATION

2

3 BY ALJ STERN:

4 Q Mr. Blaha, that diagram or that map that you had,  
5 that photo, the Ganzel Road runs east/west; is that  
6 correct?

7 A Actually, Your Honor, it runs north/south.

8 Q North/south?

9 A Yes.

10 Q Okay.

11 A And the reason you have several names for it is  
12 it moves over to the west and connects to what was the  
13 Ironwood alignment. So to the north it's on the Ironwood  
14 alignment and to the south it's on Ganzel. That is why we  
15 refer to it with two names.

16 Q Oh, I see.

17 You say Ironwood is to the south?

18 A Ironwood is the portion to the north.

19 Q And Ganzel is to the south?

20 A Yes. That's correct, Your Honor.

21 Q Okay. Could you just refer to that diagram  
22 again? Maybe hold it up for a minute.

23 Now, where is Ganzel Road -- Ganzel/Ironwood  
24 Road?

25 A This reddish line like this.

1 Q I see.

2 A This is like State Route 60 by Apache Junction.

3 Q Okay. So it runs north and south.

4 Now, where is the crossing itself? In that, the  
5 little red square?

6 A Right. And the railroad runs diagonally from  
7 southeast to northwest.

8 Q Okay. And where is Riggs Road from --

9 A I have to pull my glasses out.

10 Riggs Road is the first east/west road right  
11 here. On this map it's named Combs. In Pinal County  
12 Riggs Road is called Combs, C-o-m-b-s.

13 Q It's Combs in Pinal County?

14 A Yes.

15 Q That runs east and west?

16 A Yes, Your Honor.

17 Q And Bella Vista Road, does that have any other  
18 name in Pinal County?

19 A No.

20 Q Okay.

21 A No, Your Honor.

22 Q That is an easy one?

23 A Yes.

24 Q And that runs east and west also?

25 A Correct. That is right here.

1 Q. And that is south of the where the crossing is?

2 A. Yes, Your Honor. Here's the crossing right here,  
3 and this is Bella Vista right here.

4 Q. I see.

5 A. This is Riggs Road right here.

6 Q. And the County in order fund this particular  
7 upgrade, the \$540,000, what is the source of your funds  
8 for that?

9 A. We are using it out of the funding that we  
10 required for the Ironwood/Ganzel project, which we  
11 basically got a GADA loan to do that. We are paying it  
12 back out of our transportation funds.

13 Q. G-A-T-A?

14 A. G-A-D-A.

15 Q. What is that --

16 A. I believe that is --

17 Q. -- if you know?

18 A. The government --

19 MR. JOHNSON: It's a special funding source. I  
20 don't know what the acronym is, Your Honor. It's a  
21 special funding source provided by the State of Arizona  
22 bonding. It provides collateral for bonding.

23 Q. BY ALJ STERN: But the total cost of that  
24 Ganzel/Ironwood project is approximately \$92 million?

25 A. That's correct, Your Honor.

1 Q That is the entire upgrade?

2 A That's correct, Your Honor, a 17-and-a-half-mile  
3 route.

4 Q And both you and the Railroad are ready to go on  
5 with this upgrade; correct?

6 A Yes, Your Honor.

7 Q You have already paved both sides --

8 A Yes, we have widened it on both sides of the  
9 road.

10 Q And the County will take a look at the need for a  
11 possible grade separation in the future if the traffic  
12 counts merits it?

13 A Yes, Your Honor, or if the railroad traffic was  
14 to increase significantly, either one.

15 Q The roadway that you referred to earlier, does  
16 that have a particular highway number associated with it  
17 or anything at that point? Is it on a north/south  
18 highway?

19 A Are you talking about Ironwood/Ganzel?

20 Q No, the one ADOT is planning.

21 A It's referred to in the ADOT plan as the  
22 north/south corridor.

23 Q But they haven't given it a number or anything?

24 A No, Your Honor. It hasn't gotten that far.

25 Q How far out is the projected construction for

1 that?

2 A. They have not put it on their five-year plan, so  
3 it's not within the next five years.

4 ALJ STERN: Okay. I don't think I have any other  
5 questions for you. Thank you.

6 Any redirect?

7 MR. JOHNSON: No, Your Honor.

8 ALJ STERN: Thank you.

9 Any other witnesses?

10 MR. JOHNSON: No. We will rest, Your Honor.

11 ALJ STERN: Okay. Mr. Hains, anything?

12 MR. HAINS: I have no closing except that Staff  
13 believes that this is in the public interest --

14 ALJ STERN: All right.

15 MR. HAINS: -- and it has met our approval.

16 ALJ STERN: All right. Mr. Johnson, I am sure  
17 your client would like to have this approved yesterday;  
18 correct?

19 MR. JOHNSON: Or sooner.

20 ALJ STERN: We will try to get it on -- I don't  
21 know if we can get it on the next open meeting. I think  
22 we may be past our deadline, but we will be looking for --  
23 it might still be able to get on the next open meeting. I  
24 will see.

25 MR. JOHNSON: If that were possible, that would

1 be great.

2 ALJ STERN: If not, we will be on September for  
3 sure.

4 Thank you for your time. That concludes today's  
5 proceeding.

6 MR. HAINS: Thank you, Your Honor.

7 (Whereupon, the hearing concluded at 10:02 a.m.)  
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1 STATE OF ARIZONA. )  
2 COUNTY OF MARICOPA ) ss.  
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7 I, KATE E. BAUMGARTH, RPR, Certified Reporter  
8 No. 50582, for the State of Arizona, do hereby certify  
9 that the foregoing printed pages constitute a full, and  
10 accurate transcript of the proceedings had in the  
11 foregoing matter, all done to the best of my skill and  
12 ability.

13  
14 WITNESS my hand this 7th day of  
15 August, 2007.  
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22 Kate E. Baumgarth, RPR  
23 Certified Reporter, No. 50582  
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